

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 20-20341

Creshaun McGee and

Dwight Perry

Defendants.

Sean F. Cox
United States District Court Judge

ORDER DENYING

MOTION FOR JUDGMENT OF ACQUITTAL

This matter is currently before the Court on Defendants' oral Motion for Judgment of Acquittal Pursuant to Rule 29.

In considering a motion for judgment of acquittal under FED. R. CRIM. P. 29, this Court must determine whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the elements of the crime beyond a reasonable doubt. *United States v. Abner*, 35 F.3d 251, 253 (6th Cir. 1994); *United States v. Meyer*, 359 F.3d 820, 826 (6th Cir. 1979). In doing so, the Court does not weight the evidence, consider the credibility of witnesses, or substitute its judgment for that of the jury. *Id.*

The Sixth Circuit has explained that a defendant claiming insufficiency of the evidence "bears a very heavy burden." *Abner*, 35 F.3d at 253. On review, all evidence must be construed in a manner most favorable to the Government. Moreover, circumstantial evidence alone is sufficient to sustain a conviction. *Id.*

The Court having considered Defendants' motion, and viewing the evidence presented in the light most favorable to the prosecution, the Court concludes that a rational trier of fact could

find the essential elements of each of the crimes charged beyond a reasonable doubt.

Accordingly, **IT IS ORDERED** that Defendants' Motion for Judgment of Acquittal is **DENIED**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox
United States District Judge

Dated: October 13, 2021